

Franchise and Concession Review Committee Public Meeting
November 8, 2017

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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

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2 Lafayette Street,
14th Floor Auditorium
New York, New York

Wednesday, November 8, 2017
2:55 p.m.

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APPEARANCES:

Mayor:
Peter Hatch

Clerk:
Stephanie Ruiz

Office of the Mayor:
Benjamin Furnas

Corporation Counsel:
Sharon Cantor

Office of Management and Budget:
Yvonne Quintian

Comptroller:
Jennifer Conovitz

Borough President of Brooklyn:
Tonya Cantlo-Cockfield

Borough President of Staten Island:
Lashay Young.

Senior Counsel of DoITT:
Tanessa Cabe

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PROCEEDINGS

MR. HATCH: Good afternoon. Thank you all for being here. The Franchise and Concession Review Committee public meeting will now come to order. Will the Clerk please call the role?

THE CLERK: Mayor.

MR. HATCH: Here.

THE CLERK: Office of the Mayor.

MR. FURNAS: Here.

THE CLERK: Comptroller.

MS. CONOVITZ: Here.

THE CLERK: Corporation Counsel.

MS. CANTOR: Here.

THE CLERK: Office of Management and Budget.

MS. QUINTIAN: Here.

THE CLERK: President, Borough of the Bronx.

(No response.)

THE CLERK: President, Borough of Brooklyn.

MS. CANTLO-COCKFIELD: Here.

THE CLERK: President, Borough of Manhattan.

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(No response.)

THE CLERK: President, Borough of Queens.

(No response.)

THE CLERK: President, Borough of Staten Island.

MS. YOUNG: Here.

MR. HATCH: Will the Clerk please call the first calendar item?

THE CLERK: New York City Department Information Technology and Telecommunications, Calendar Item Number 1: In the matter of the intent to seek Franchise and Concession Review Committee approval of a proposed assignment of an information services franchise agreement between the City of New York and Metro Fiber Co., LLC or Metro, doing business as Axiom Fiber Networks, whereby Metro proposes to assign its assets, including its franchise agreement, to ExteNet Systems, Inc. A proposed resolution was submitted relative thereto and the

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resolution is calendared for adoption.

MR. HATCH: Tanessa Cabe, Senior Counsel of DoITT, will read into the record certain changes that have been made to certain documents since its distribution to the FCRC.

MS. CABE: On the responsibility and determination, a box was checked that had not been checked previously and this is just making sure that it's checked at the top of the third page.

And then, additionally, under "Finding number 2" on the last page, an additional sentence was applied. That sentence is read here, "The disclosure regarding the entity, the apparent entity and the three principals." I wanted to draw your attention to that.

MR. HATCH: Thank you. Is there a member who wishes to make a statement or ask a question on this matter?

MS. CABE: I want to note that in relation to the information on the documents that we submitted to the FCRC,

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the certification from the franchisee indicating that on the issue regarding a contract that it was a finding of No-Fault by either party and it was mutually terminated by both parties. So I have that certification.

MR. HATCH: Thank you. Would the Comptroller like to make a statement?

MS. CONOVITZ: Yes. Thank you. We would like to thank you for updating the information provided to the FCRC with respect to due diligence conducted concerning franchisee ExteNet Systems New York, Inc. and it's apparent that we also believe the resolution for us today has been appropriately amended to make the FCRC assignment before us today subject to the franchisee apparent ExteNet Systems, Inc. filing of all required documents with the New York City Department of Finance satisfied to review such documents by BUF and the payments of any taxes to find to the city. We expect that this issue will be

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resolved for contract and for
registration. Thank you.

MR. HATCH: Thank you.

MS. CABE: I will make sure that all
of the issues are resolved before the
registration happens.

MR. HATCH: Any additional
statements or questions?

(No response.)

MR. HATCH: If not, will a member
please make a motion to move the
indictment.

MS. CANTOR: So moved.

MR. HATCH: Will another member
please second that motion.

MR. FURNAS: Second.

MR. HATCH: Will the Clerk please
take the vote.

THE CLERK: Mayor?

MR. HATCH: Yes.

THE CLERK: Office of the Mayor?

MR. FURNAS: Yes.

THE CLERK: Comptroller?

MS. CONOVITZ: Yes.

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THE CLERK: Corporation Counsel?

MS. CANTOR: Yes.

THE CLERK: Office of Management and Budget?

MS. QUINTIAN: Yes.

THE CLERK: And on behalf of the Borough Presidents, Borough President of Brooklyn?

MS. CANTLO-COCKFIELD: Yes.

THE CLERK: Calendar Item #1 is adopted.

MR. HATCH: Thank you. Will the Clerk please call the second calendar item?

THE CLERK: New York City Department Information Technology and Telecommunications, Calendar Item Number 2. In the matter of the intent to seek Franchise and Concession Review Committee approval of a proposed assignment of a telecommunications services franchise agreement between the City of New York and Metro Fiber Co., LLC, doing business as Axiom Fiber

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Networks, whereby Metro proposes to assign its assets, including its franchise agreement, to ExteNet Systems, Inc. A proposed resolution was submitted relative thereto, and the resolution is calendared for adoption.

MR. HATCH: And once again, Tanessa Cabe, Senior Counsel of DoITT will read into the record changes that have been made to certain documents since its distribution to the FCRC.

MS. CABE: On the third page, the box was checked at the top of the page that had not been checked previously, and, also, on the last page, in finding number two, an additional sentence was added regarding a disclosure and self-disclosed by the entity and index, regarding the -- submitting it, the apparent and the three principals or also the three principals of the apparent company.

And, also, in regard with this matter, we received a certification with

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the company that one of the issues identified a self-disclosed index was a contract that was mutually terminated and it was -- there's a finding of No-Fault by either party.

MR. HATCH: Thank you. Is there a member who wishes to make a statement or ask a question on this matter?

Oh, the Comptroller.

MS. CONOVITZ: We just want to reiterate that our comments that we made and to the prior item are equally -- hold equally true with respect of this item. So we repeat and reaffirm those comments.

Thank you.

MR. HATCH: Thank you. Any other members? If not, will a member please make a motion to move this item.

MS. CANTOR: Moved.

MR. HATCH: Will another member please make a motion.

MS. QUINTIAN: Moved.

MR. HATCH: Will the Clerk please

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take the vote.

THE CLERK: Mayor?

MR. HATCH: Yes.

THE CLERK: Office of the Mayor?

MR. FURNAS: Yes.

THE CLERK: Comptroller?

MS. CONOVITZ: Yes.

THE CLERK: Corporation Counsel?

MS. CANTOR: Yes.

THE CLERK: Office of Management and
Budget?

MS. QUINTIAN: Yes.

THE CLERK: And on behalf of the
Borough Presidents, President, Borough
of Brooklyn?

MS. CANTLO-COCKFIELD: Yes.

THE CLERK: Calendar Item Number 2,
Resolution is adopted.

We ask that the Reporter make the
entire Public Meeting Agenda, which was
made publicly available and distributed
at this Meeting, part of the final
record of this proceeding. That
completes the Calendar.

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MR. HATCH: Thank you. Meeting
adjourned.

(Thereupon, the meeting was
concluded at 3:02 P.M.)

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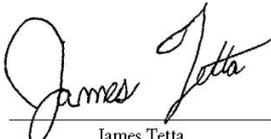
C E R T I F I C A T E
STATE OF NEW YORK)
: ss
COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within
and for the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such an examination is a true record of the
testimony given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in any way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 8th day of November, 2017.


James Tetta

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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, NOVEMBER 8, 2017 @ 2:30 P.M.

2 LAFAYETTE STREET, NEW YORK, NY

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Public Meeting
Wednesday, November 8, 2017 @ 2:30 P.M.*

**NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY
AND TELECOMMUNICATIONS**

No. 1: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval of a proposed assignment of an information services franchise agreement between the City of New York and Metro Fiber Co., LLC (“Metro”), doing business as Axiom Fiber Networks, whereby Metro proposes to assign its assets, including its franchise agreement, to ExteNet Systems (New York), Inc.

**A proposed resolution was submitted relative thereto.
RESOLUTION FOR ADOPTION.**

**NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY
AND TELECOMMUNICATIONS**

No. 2: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval of a proposed assignment of a telecommunications services franchise agreement between the City of New York and Metro Fiber Co., LLC (“Metro”), doing business as Axiom Fiber Networks, whereby Metro proposes to assign its assets, including its franchise agreement, to ExteNet Systems (New York), Inc.

**A proposed resolution was submitted relative thereto.
RESOLUTION FOR ADOPTION.**